

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CERTIFICATION AS A MEDICAL ACUPUNCTURIST; ALLOWING A DOCTOR OF MEDICINE OR OSTEOPATHY TO PERFORM ACUPUNCTURE UPON MEETING CERTAIN REQUIREMENTS; PROVIDING THAT A DOCTOR OF MEDICINE OR OSTEOPATHY MAY BE IDENTIFIED AS A MEDICAL ACUPUNCTURIST UPON MEETING CERTAIN REQUIREMENTS; PROVIDING QUALIFICATIONS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 37-13-103, 37-13-104, 37-13-201, AND 37-13-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Application for certification as medical acupuncturist -- fee -- qualifications.** (1) Each person seeking certification by the board as a medical acupuncturist shall apply to the board for certification. A fee prescribed by the board must accompany the application.

(2) An applicant must:

(a) be at least 18 years of age;

(b) be of good moral character as determined by the board;

(c) be a doctor of medicine or osteopathy with an active, unrestricted license issued in the state of Montana;

(d) be a graduate of a program in medical acupuncture that meets the requirements for certification adopted by the American board of medical acupuncture or its successor and offers a course of at least 300 hours in acupuncture training for physicians; and

(e) have demonstrated to the board that the applicant has passed an examination for physicians in medical acupuncture that is approved by the American board of medical acupuncture or an equivalent examination approved by the board.

(3) All applicants successfully meeting the requirements for certification as a medical acupuncturist as required by this section must be registered as certified medical acupuncturists in the board registry and, upon the payment of a certification fee prescribed by the board, must be issued a certificate that bears the official seal of the board.

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2       **Section 2.** Section 37-13-103, MCA, is amended to read:

3       **"37-13-103. Definitions.** As used in this chapter, the following definitions apply:

4           (1) "Acupuncture" means the diagnosis, treatment, or correction of human conditions, ailments, diseases,  
5 injuries, or infirmities by means of mechanical, thermal, or electrical stimulation effected by the insertion of solid  
6 needles. The term includes the use of acupressure and the use of oriental food remedies and herbs.

7           (2) "Acupuncturist" means a natural person licensed by the board of medical examiners to practice  
8 acupuncture.

9           (3) "Board" means the Montana state board of medical examiners.

10          (4) "Medical acupuncture" means the diagnosis, treatment, or correction of human conditions, ailments,  
11 diseases, injuries, or infirmities by means of mechanical, thermal, or electrical stimulation affected by the insertion  
12 of solid needles.

13          (5) "Medical acupuncturist" means a doctor of medicine or osteopathy designated by the board as having  
14 received specialized training and certification in medical acupuncture.

15          ~~(4)~~(6) "School of acupuncture" means a school in which acupuncture is taught that has been recognized  
16 and designated by the board of medical examiners."

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18       **Section 3.** Section 37-13-104, MCA, is amended to read:

19       **"37-13-104. Partial exemptions.** (1) (a) This chapter may not be construed to require doctors of  
20 medicine, osteopathy, chiropractic, dentistry, and podiatry who are licensed in Montana to take further  
21 examinations in anatomy, physiology, chemistry, dermatology, diagnosis, bacteriology, materia medica, or other  
22 subjects that are or may be required for licensure in their respective professions.

23          (b) A doctor of ~~medicine, osteopathy,~~ chiropractic, dentistry, or podiatry may not practice acupuncture  
24 in this state unless that doctor has completed a course and passed an examination in acupuncture as required  
25 by this chapter.

26          (c) A doctor of medicine or osteopathy who has an active, unrestricted license to practice in Montana  
27 may practice acupuncture within the scope of the physician's license, but the physician may not be identified as  
28 a licensed acupuncturist unless the physician has completed a course and passed an examination in acupuncture  
29 as required by [section 1].

30          (d) A doctor of medicine or osteopathy who has an active, unrestricted license to practice in Montana

1 may be identified as a medical acupuncturist if the doctor has successfully completed a program in medical  
2 acupuncture recognized by the board and has passed an examination for physicians in medical acupuncture  
3 approved by the American board of medical acupuncture or an equivalent examination approved by the board.

4 ~~(2) Except as provided in 37-13-301 and with particular regard to the insertion of solid needles used to~~  
5 ~~perform acupuncture, this~~ This chapter is not intended to limit, interfere with, or prevent a licensed health  
6 professional from practicing within the scope of the health professional's license.

7 (3) This chapter does not affect the practice of an occupation by an individual who does not represent  
8 to the public that the individual is licensed under this chapter."  
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10 **Section 4.** Section 37-13-201, MCA, is amended to read:

11 **"37-13-201. Powers and duties.** In addition to all other powers and duties conferred and imposed upon  
12 the board by this chapter, the board shall have and exercise the following powers and duties:

13 (1) to promulgate, under the applicable provisions of the Montana Administrative Procedure Act, rules  
14 which it determines to be necessary to carry out the provisions of this chapter;

15 (2) to adopt a schedule of minimum educational requirements, not inconsistent with the provisions of this  
16 chapter;

17 (3) to prescribe forms for application for examination and license as a licensed acupuncturist and for  
18 certification as a medical acupuncturist;

19 (4) to prepare and supervise examination of applicants for license to practice acupuncture and for  
20 certification as a medical acupuncturist;

21 (5) to obtain the services of professional examination agencies in lieu of its own preparation of the  
22 examinations;

23 (6) to issue, revoke, and suspend licenses and certificates as ~~hereinafter~~ provided in this part;

24 (7) to hold hearings, issue subpoenas, administer oaths, and take testimony and proofs concerning all  
25 matters within its jurisdiction;

26 (8) to issue commissions to take depositions of witnesses who are sick or absent from the state; and

27 (9) to adopt a seal, which ~~shall~~ must be affixed to all licenses and certifications issued by the board and  
28 other official papers."  
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30 **Section 5.** Section 37-13-301, MCA, is amended to read:

**"37-13-301. License required Requirements for practice.** (1) A person may not engage in the practice

of acupuncture in this state unless the person is licensed under in compliance with the provisions of this chapter.

(2) A person may not purport to practice acupuncture or use the title "acupuncturist" or any similar title

unless the person is licensed under in compliance with the provisions of this chapter."

**NEW SECTION.** **Section 6. Codification instruction.** [Section 1] is intended to be codified as an

integral part of Title 37, chapter 13, and the provisions of Title 37, chapter 13, apply to [section 1].

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